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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,397	11/12/2003	Sandeep Betarbet	190250-1460	6855
38823 7590 10/01/2007 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ AT&T BLS Intellectual Property, Inc. 100 GALLERIA PARKWAY SUITE 1750 ATLANTA, GA 30339			EXAMINER BENZON, GREG C	
			ART UNIT 2144	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/706,397

Applicant(s)

BETARBET, SANDEEP

Examiner

Greg Bengzon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/12/2003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This application has been examined. Claims 1-32 are pending.

#### ***Priority***

The effective date of the claims described in this application is November 12, 2003.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 11/12/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 24-32 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 24-32 pertain to 'a computer-readable medium', which the Applicant Specifications (Page 24, 'any means that can communicate, propagate, transport') define as a carrier wave or data signals embodied in a carrier wave. The Examiner

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notes that said carrier wave or data signals embodied in a carrier wave are non-statutory subject matter. The Examiner notes that absent some physical context, a signal per se is an abstract idea in much the same way that a mathematical algorithm without context is an abstract idea.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-22,24-32 rejected under 35 U.S.C. 102(e) as being anticipated by Persels (US Patent 7065547).

Persels disclosed (re. Claim 1) a file handling system, comprising: a terminating file transfer server (Persels-Column 4 Lines 40-50, '*eFORWARD Server*') operable to receive a file transfer message from an originating file transfer server, the file transfer message including details (Persels-Column 5 Lines 55-65, '*specify a partner to receive a message and, optionally, a process that is requested to be executed by the receiving partner's host on receipt of a message*') about the transfer including a local user and at least one filename; an agent (Persels-Column 4 Lines 40-50, '*transfer protocol engine*') operable to read the file transfer message, and direct the transfer of at least one file (Persels-Column 8 Lines 10-20) associated with said at least one filename to a home directory (Persels-Column 5 Lines 50-60, '*partner iBOX to receive message*') associated with the local user; and a configuration file residing in the home directory, (Persels-Column 7 Lines 10-20, '*administrative details pertaining to iBOX*') and operable to instruct the agent to transfer said at least one file to a remote host.

Persels disclosed (re. Claim 2,12) wherein the configuration file comprises a host name (Persels-Column 8 Lines 20-30) and a port name of the remote host. (Persels-Column 9 Lines 45-55)

Persels disclosed (re. Claim 3,13) wherein the remote host (Persels-Column 6 Lines 20-25, 'iBOX DIRECT client') is associated with the local user. (Persels-Column 7 Lines 10-15, *'allow user to create iBOX'*)

Persels disclosed (re. Claim 4,14) wherein the originating file transfer server is operable to instruct the agent to execute upon receiving a file transfer message. (Persels-Column 5 Lines 55-65, *'specify a partner to receive a message and, optionally, a process that is requested to be executed by the receiving partner's host on receipt of a message'*)

Persels disclosed (re. Claim 5) wherein the agent is further operable to transmit said at least one file to the remote host. (Persels-Column 9 Lines 10-20, *'If a destination client responds, then the message is immediately delivered and so marked in the eFORWARD Server database'*)

Persels disclosed (re. Claim 6,11) wherein the agent is further operable to delete said at least one file from the home directory in accordance with the configuration file. (Persels-Column 6 Lines 25-35, *'message will be deleted once the retain period is over'*)

Persels disclosed (re. Claim 7) wherein the terminating file transfer server is a Connect:Direct server. (Persels-Column 4 Lines 40-50, *'eFORWARD Server'*)

Persels disclosed (re. Claim 8) a port monitor at the remote terminal operable to monitor communications to the remote host on a port specified by the configuration file. (Persels-Column 6 Lines 10-15, *'listening port'*)

Persels disclosed (re. Claim 9) further comprising means for monitoring a port of the remote host for communications from the agent. (Persels-Column 6 Lines 10-15, *'listening port'*)

Persels disclosed (re. Claim 10) a method of handling files on a Connect:Direct server, (Persels-Column 4 Lines 40-50, *'eFORWARD Server'*) comprising the steps of: receiving a file transfer message (Persels-Column 5 Lines 55-65, *'specify a partner to receive a message and, optionally, a process that is requested to be executed by the receiving partner's host on receipt of a message'*) from an originating file transfer server; determining a home directory (Persels-Column 5 Lines 50-60, *'partner iBOX to*

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*receive message'* ) from a local user associated with the file transfer message; storing at least one file associated with the file transfer message in the home directory; (Persels-Column 5 Lines 60-65, *'incoming message is preferably accepted and stored in the database 24 for forwarding'*) retrieving a configuration file from the home directory; and transmitting said at least one file responsive to the configuration file.

Persels disclosed (re. Claim 11) wherein the method further comprises: responsive to the configuration file, removing the message from the home directory. (Persels-Column 6 Lines 25-35, *'message will be deleted once the retain period is over'*)

Persels disclosed (re. Claim 14) further comprising using an agent program to direct the transfer of said at least one file to the home directory. (Persels-Column 5 Lines 60-65, *'incoming message is preferably accepted and stored in the database 24 for forwarding'*)

Persels disclosed (re. Claim 15) further comprising using an agent program to transmit said at least one file responsive to the configuration file. (Persels-Column 6 Lines 10-15, *'specified IP address and listening port'*, Column 7 Lines 35-40, *'operational data'*)



Persels disclosed (re. Claim 16.) using a Connect:Direct server to receive the file transfer message. (Persels-Column 4 Lines 40-50, *'eFORWARD Server'*)

Persels disclosed (re. Claim 17) monitoring a port at a remote terminal specified by the configuration file. (Persels-Column 6 Lines 10-15, *'specified IP address and listening port'*, Column 7 Lines 35-40, *'operational data'*)

Persels disclosed (re. Claim 18) receiving said at least one file at the port specified by the configuration file. (Persels-Column 9 Lines 45-55)

Persels disclosed (re. Claim 19) a Connect:Direct file handling system, comprising: a terminating file transfer server; an agent; and a configuration file; the terminating file transfer server being operable launch the agent upon receipt of a file transfer message, the file transfer message comprising a local and at least one filename, username (Persels-Column 8 Lines 5-20) and the agent being operable to direct the transfer of at least one file associated with the filename to a home directory associated with the username, the agent being further operable to read the configuration file, (Persels-Column 6 Lines 10-15, *'specified IP address and listening*

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*port'*, Column 7 Lines 35-40, *'operational data'*) and transfer said at least one file to a remote host specified by the configuration file.

Persels disclosed (re. Claim 20) wherein the configuration file is operable to store a host name name (Persels-Column 8 Lines 20-30) and a port number associated with the remote host. (Persels-Column 6 Lines 10-15, *'specified IP address and listening port'*)

Persels disclosed (re. Claim 21), wherein the agent is operable to remove said at least one file from the home directory after transferring said at least one file to the remote host. (Persels-Column 6 Lines 25-35, *'message will be deleted once the retain period is over'*)

Persels disclosed (re. Claim 22) a port monitor at a remote host, the port monitor being operable to monitor a port specified in the configuration file (Persels-Column 6 Lines 10-15, *'specified IP address and listening port'*)

Persels disclosed (re. Claim 24) a computer readable medium having a program for handling files on a Connect:Direct server, the program operable to perform the steps of: receiving a file transfer message from an originating file transfer server; determining a home directory from a local user associated with the file transfer message; storing at least one file associated with the file transfer message in the home directory; retrieving a configuration file from the home directory; and transmitting said at least one file responsive to the configuration file. (See Claims 1,10)

Persels disclosed (re. Claim 25), the program further operable to perform the step of: responsive to the configuration file, removing the message from the home directory. (Persels-Column 6 Lines 25-35, 'message will be deleted once the retain period is over')

Persels disclosed (re. Claim 26) wherein the configuration file comprises a host name and a port name of a remote host. (Persels-Column 8 Lines 20-30)

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Persels disclosed (re. Claim 27) wherein the remote host is associated with the local user. (Persels-Column 7 Lines 10-15, *'allow user to create iBOX'*)

Persels disclosed (re. Claim 28) the program further operable to perform the step of using an agent program to direct the transfer of said at least one file to the home directory. (Persels-Column 5 Lines 60-65, *'incoming message is preferably accepted and stored in the database 24 for forwarding'*)

Persels disclosed (re. Claim 29 ) using an agent program to transmit said at least one file responsive to the configuration file. (Persels-Column 6 Lines 10-15, *'specified IP address and listening port'*, Column 7 Lines 35-40, *'operational data'*)

Persels disclosed (re. Claim 30) using a Connect:Direct server to receive the file transfer message. (Persels-Column 4 Lines 40-50, *'eFORWARD Server'*)

Persels disclosed (re. Claim 31) monitoring a port at a remote host specified by

the configuration file. . (Persels-Column 6 Lines 10-15, '*specified IP address and listening port*', Column 7 Lines 35-40, '*operational data*')

Persels disclosed (re. Claim 32) receiving said at least one file at the port specified by the configuration file. (Persels-Column 6 Lines 10-15, '*specified IP address and listening port*', Column 7 Lines 35-40, '*operational data*')

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Persels (US Patent 7065547) in view of what was well-known in the networking art.

Persels disclosed (re. Claim 23) a file processor located at the remote terminal, the file processor being operable to receive files via the port monitor. (Persels-Column 9 Lines 10-20, '*If a destination client responds, then the message is immediately delivered*

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*and so marked in the eFORWARD Server database ')*

While Persels substantially disclosed the claimed invention Persels did not disclose (re. Claim 23) the file processor being operable to assign said at least one filename to said at least one file received, respectively.

At the time of the invention it would have been well-known in the networking art to include a rename function in a file processing system. At the time of the invention it would have been obvious to incorporate a rename function into the system and method by Persels. The motivation for said combination would have been to enable a user to indicate a preferred (e.g. more easily remembered) file name.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure

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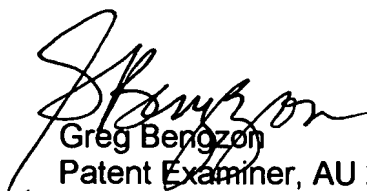
relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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Patent Examiner, AU 2144